

United States District Court
Southern District of Texas
FILED

Case No: 17-20307

FEB - 5 2019

To: Clerk, United States District Court for
Southern District of Texas (Houston)

David J. Bradley, Clerk of Court

From: James Burke, Inmate Registration # 93973-379
Federal Satellite Law Elkton
PO Box 10
Lisbon, OH 44432

Dear Clerk of Court,

On November 1, 2018, I sent an inquiry regarding "Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By A Person In Federal Custody" (received/stamped by your office on November 8, 2018). My inquiry was forwarded to the "United States Court of Appeals for the Fifth Circuit" (received Nov. 18, 2018). I received a reply from the Appeals Clerk stating they were sending my inquiry back to you (District Court). I have yet to file a 28 U.S.C. § 2255 Motion as I have not yet received a reply for/from the United States Supreme Court regarding my timely filed petition for writ of certiorari. I am currently writing again to inquire if my initial inquiry has been reviewed?

I understand the hardship government/federal

(2)

employees are going through due to the government shutdown. As I understand federal rules I initially had one year from my conviction becoming final following denial of "Petition for Rehearing" by the U.S. Court of Appeals to apply/motion for post conviction relief under 28 U.S.C. § 2255, although that deadline is extended until either the Supreme Court denies my "Petition for Writ of Certiorari" or they accept and outcome of case is decided. Below is current key dates and/or timeline as I understand it:

- 1) Date of Sentencing (remanded to custody of B.O.P.) - 04/06/2017, District Court
- 2) Dismissal of timely filed "Petition for Rehearing" - 04/16/2018, Court of Appeals 5th Cir.
- 3) Denial of "Petition for Rehearing" - 04/03/2018, Court of Appeals 5th Cir.
- 4) Timely filed "Petition for Writ of Certiorari" - Received 06/11/2018, Supreme Court

Although - 04/03/2019 - would normally be deadline of 28 U.S.C. § 2255 motion, as I understand, please confirm that date is extended until Supreme Court actions have been completed. In addition please review previous inquiry/questions. Once again I understand the stress upon government employees at this time and thank you for your service.

(SPB) - Submitted to mail January 31, 2019.

(SPB) - All statements true to best of knowledge. JP/31

James Burke

NAME James Burke
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P O Box 10
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⇒93973-379⇒

Mr David J Bradley
Clerk-U.S. District Court
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